

DOCKET NO.: MGH-0026

PATENT

1633



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Wands and Encke

Serial No.: 09/600,493

Group Art Unit: 1633

Filing Date: July 18, 2000

Examiner: C. Drabik

For: GENETIC IMMUNIZATION WITH NONSTRUCTURAL PROTEINS OF THE
HEPATITUS C VIRUS

DATE OF DEPOSIT: 2 NOVEMBER 2001

I HEREBY CERTIFY THAT THIS PAPER IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID
ON THE DATE INDICATED ABOVE AND IS
ADDRESSED TO THE ASSISTANT COMMISSIONER
FOR PATENTS, WASHINGTON, DC 20231.

Paul K. Legaard
TYPED NAME: Paul K. Legaard
REGISTRATION NO.: 38,534

Box ☐ NON-FEE

☐ AF

Assistant Commissioner for Patents
Washington DC 20231

Sir:

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JAN 16 2002
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AMENDMENT TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

☐ A Preliminary Amendment.

☒ An Amendment and Request for Reconsideration Responsive to the Office Action

Dated August 2, 2001.

☐ An Amendment Supplemental to the Paper filed _____.

☐ Other: _____.

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☐ Substitute Pages _____ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ _____ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: _____
_____ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: _____.
- ☐ Other Material as follows: _____.

FEE CALCULATION

☐ No Additional Fee is Due.

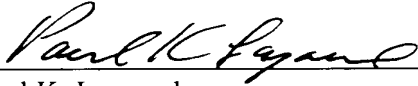
				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	38	34 (20 MINIMUM)	4	\$9 EACH	\$	\$18 EACH	\$72
INDEP. CLAIMS	7	3 (3 MINIMUM)	4	\$42 EACH	\$	\$84 EACH	\$ 336
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$0
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$	\$400	\$0
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$460	\$	\$920	\$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$720	\$	\$1440	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$980	\$	\$1960	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$0)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$0
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE							\$408

- ☒ A Check is Enclosed in the Foregoing Amount Due.
- ☐ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: 2 NOVEMBER 2001

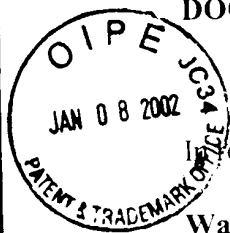

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**GENETIC IMMUNIZATION WITH NONSTRUCTURAL PROTEINS OF
THE HEPATITIS C VIRUS**

I, **Paul K. Legaard**, Registration No. **38,534** certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On November 2, 2001

Paul K. Legaard
Paul K. Legaard Reg. No. 38,534

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

AMENDMENT AND REQUEST FOR RECONSIDERATION

In response to the Office Action mailed August 2, 2001 in connection with the above-identified patent application, Applicants respectfully request that the application be amended as follows.

In the Claims:

Please cancel claims 2 and 10, add new claims 34-46 and amend claims 3, 4, 6, 11-13 and 32 to read as follows:

3. (Amended twice) The recombinant nucleic acid molecule of claim 6 wherein said nucleotide sequence encodes a fusion protein encoding NS4 or NS5 or any combination thereof.

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